

# INDIANA'S METHODS OF ADMINISTRATION

Implementing Section 188 of the Workforce Investment Act

Program Years 2012 and 2013



## INDIANA **WORKFORCE** DEVELOPMENT

AND ITS **WorkOne** CENTERS

September 29, 2014

**Michael R. Pence, Governor**

**Scott B. Sanders, Commissioner**

Equal Opportunity Employer/Program

Auxiliary aids and services are available upon request to individuals with disabilities.

September 29, 2014

Naomi M. Barry-Pérez  
Director,  
Civil Rights Center  
U.S. Department of Labor  
200 Constitution Avenue NW  
Room N-4123  
Washington, D.C. 20210

Dear Ms. Barry-Pérez:

The State of Indiana has reviewed its Methods of Administration (MOA) and the manner in which it is implemented. The MOA describes the actions Indiana takes to ensure adherence to Section 188 of the Workforce Investment Act (WIA). Please note that the narrative sections for Elements 1 through 7 contained herein have been updated and changes to the document are noted in yellow. Further, additional documents are included to illustrate Indiana's compliance with WIA.

As the Governor of Indiana, I certify that the State of Indiana is in compliance with Section 188 of WIA and 29 CFR Part 37.

If you have questions regarding Indiana's Methods of Administration, please contact Kelly Brown, WIA Equal Opportunity Officer for the State of Indiana, at (317) 233-8279.

Sincerely,

A handwritten signature in black ink, reading "Michael R. Pence". The signature is fluid and cursive, with the first name "Michael" being the most prominent part.

Michael R. Pence  
Governor

Enclosures

***Narrative Section:** Updates are indicated in yellow highlight.*

**Contact Information:**

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State EO Officer  
Indiana Department of Workforce Development  
**Field Operations**  
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**Acronyms**

ADA	Americans with Disabilities Act
ADR	Alternative Dispute Resolution
CFR	Code of Federal Regulations
CMHC	Community Mental Health Center
DCR	Directorate of Civil Rights
DDRS	Division of Disabilities and Rehabilitative Services
DNR	Department of Natural Resources
DOC	Indiana Department of Correction
DOE	Indiana Department of Education
DOL/CRC	United States Department of Labor, Civil Rights Center
DVOP	Disabled Veterans' Outreach Program
DWD	Indiana Department of Workforce Development
DPN	Disability Program Navigator
EO	Equal Opportunity
FBP	Federal Bonding Program
FSSA	Indiana Department of Family and Social Services Administration
ICC	Indiana Career Connect
IHC	Indiana Health Centers, Inc.
INDOT	Indiana Department of Transportation
ING	Indiana National Guard
IN-DEI	Indiana's Disability Employment Initiative
IPAS	Indiana Protection and Advocacy Services
JAG	Jobs for America's Graduates
LEP	Limited English Proficiency
LIVS	Leader for the Implementation of Veterans' Services
LVER	Local Veterans' Employment Representatives
MOA	Methods of Administration

MOU	Memorandum of Understanding
MSFW	Migrant and Seasonal Farm Worker
OFCCP	Office of Federal Contract Compliance Programs
OJT	On-the-job-training
REA	Reemployment Eligibility Assessment
RES	Reemployment Services
RFA	Request for Application
SGA	Solicitation for Grant Applications
SMA	State Monitor Advocate
SNAP	Supplemental Nutrition Assistance Program
SSDI	Social Security Disability Insurance
SSI	Supplemental Security Income
SWIC	State Workforce Innovation Council
TAB	Technical Assistance Bulletin
TANF	Temporary Assistance for Needy Families
TDD	Telecommunication Device for the Deaf
TTY	Text Telephone
UI	Unemployment Insurance
USDOL	United States Department of Labor
VEVRA	Vietnam Era Veteran's Readjustment Assistance Act
VR&E	Vocational Rehabilitation and Employment
VRS	Vocational Rehabilitation Services
WIA	Workforce Investment Act of 1998
WIB	Workforce Investment Board
WPRS	Worker Profiling Reemployment Services
WSA	Workforce Service Area
YHCC	Young Hoosiers Conservation Corps

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## *Element 1*

### ***DESIGNATION OF STATE-AND LOCAL-LEVEL EQUAL OPPORTUNITY (EO) OFFICERS (29 CFR 37.54(d)(1)(ii))***

*Indiana addresses how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.23 through 37.28.*

*Any individual appointed as EO Officer should have the skill, ability, knowledge and authority to properly oversee and direct the EO program to which that individual has been assigned.*

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The Governor of Indiana has designated the Department of Workforce Development (DWD) to administer the implementation of the nondiscrimination and equal opportunity provisions of the Workforce Investment Act (WIA) of 1998. The nondiscrimination and equal opportunity provisions contained in 29 CFR Part 37.23 require all recipients, except those which are small entities or service providers, to designate Equal Opportunity (EO) Officers.

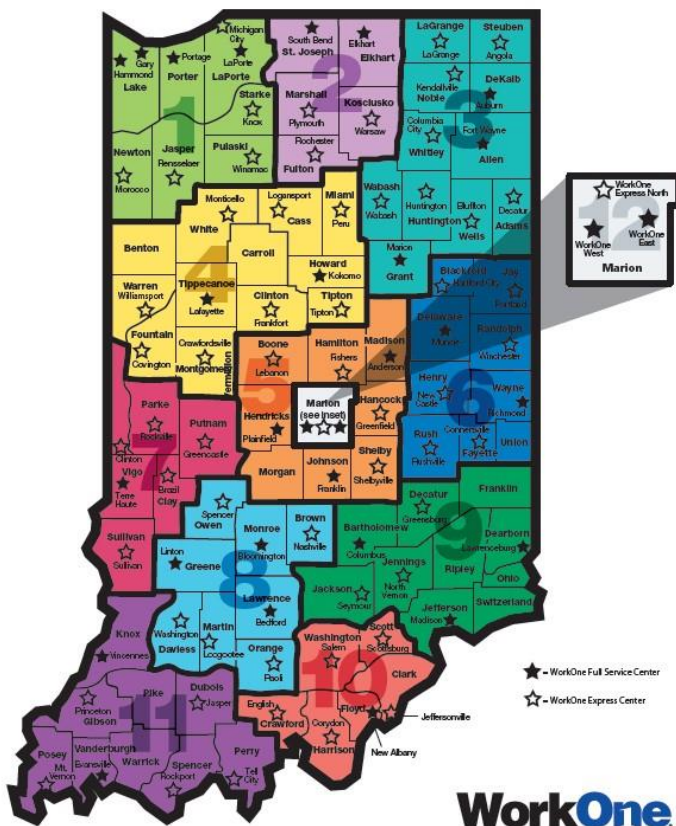
This requirement also sets forth who can serve as EO Officers as well as their responsibilities. The Commissioner of DWD has ultimate responsibility for administration of the WIA EO program in the State and, on behalf of the Governor, ensures that the WIA Workforce Investment System partners comply with the provisions contained in the federal regulations.

Consistent with 29 CFR Part 37, Indiana addresses how it, and its recipients, are complying, and will continue to comply with the requirements. All recipients are required to make known to their applicants, registrants, eligible applicants/registrants, participants, employees and applicants for employment, the name, title, address and telephone number of the State-level EO Officer, as well as the individual Local-level EO Officers. This may be done by memoranda, postings, and/or publications.

#### **Indiana's Structure**

The State Workforce Innovation Council (SWIC) is the state board for Indiana's workforce investment system and serves the functions mandated in WIA. Indiana's state board reviews the services and uses of funds and resources under applicable federal programs and advises the Governor on methods coordinating these functions consistent with the laws and regulations governing the applicable federal programs.

# WorkOne Locations



Indiana is comprised of twelve designated Workforce Service Areas (WSA) which are governed through Workforce Investment Boards (WIBs), as defined in WIA Section 117.

There are twenty-eight (28) full service offices and fifty-eight (58) express sites, which amount to a total of eighty-six (86) WorkOne (one-stop) offices within the twelve regions.

Satellite offices are located in various locations, including but not limited to: community-based organizations, libraries, and educational facilities. The intent of satellite offices is to provide introductory information on WorkOne services and unemployment insurance to significant segments of the population within their community.

## EO Officer Designation at the State Level

Ms. Kelly Brown is designated as the State-level EO Officer and is assigned to DWD **Field Operations**. Ms. Brown has oversight responsibility for coordinating, implementing, maintaining and monitoring the nondiscrimination and EO opportunity requirements of the US Department of Labor Federal Regulations, 29 CFR Part 37.

Ms. Brown reports directly to **Dennis Wimer, Director of Field Operations**. **Mr. Wimer reports to Mr. Scott Sanders, Commissioner of DWD**. On matters related to EO and nondiscrimination, Ms. Brown has direct access to the Commissioner, Scott B. Sanders. As needed, Ms. Brown informs **Mr. Wimer** and the Commissioner of EO issues by e-mail, phone or appointment.

Ms. Brown's contact information is as follows:

**Address:** 10 N Senate Avenue, Room SE-304, Indianapolis, Indiana 46204

**E-mail:** [KLBrown@dwd.IN.gov](mailto:KLBrown@dwd.IN.gov)

**Phone:** (317) 232-0603

**TDD/TTY:** (317) 234-3535

## Duties of the State-Level EO Officer

Ms. Brown's designated position as State-level EO Officer reflects duties which ensure Indiana's compliance with Section 188 of WIA and 29 CFR Part 37. Duties include, but are not limited to, the following:

- Coordinating the State EO responsibilities under 29 CFR Part 37;
- Functioning as the state's liaison with the United States Department of Labor Civil Rights Center (DOL/CRC);
- Providing technical assistance and guidance to the Local-level EO Officers to ensure compliance with federal regulations and other applicable regulations, policies, procedures, and directives;
- Developing and publishing the recipient's procedures for processing discrimination complaints and making sure those procedures are followed; and
- Overseeing the development and implementation of the state's Methods of Administration (MOA).

### **Additional Duties of the State-Level EO Officer:**

Ms. Brown also manages Indiana's Disability Employment Initiative (IN-DEI) grant, which focuses on increasing the educational, training, and employment opportunities for adults with disabilities, ages 18-64, who are unemployed, underemployed and/or receiving Social Security benefits (SSI/SSDI). Ms. Brown's current position description does not include duties and responsibilities that would constitute or appear to constitute a conflict of interest.<sup>1</sup>

### **Making the Identity of the State-Level EO Officer Known**

DWD makes the identity of the State-level EO Officer known to applicants, registrants, eligible applicants/registrants, participants, employers, employees, applicants for employment and the public by the following methods:

- Formal notice to Indiana's Workforce Investment System is disseminated through DWD Policy 2012-04 "Nondiscrimination and Equal Opportunity Requirements of the Workforce Investment Act" and DWD Policy 2012-05 "WIA Equal Opportunity Notice and Posting Requirements within the Workforce Investment System."<sup>2</sup>
- Contact information regarding the State-level EO Officer is listed on the State's website under 'find an agency,' which is located at [http://www.in.gov/core/find\\_agency.html](http://www.in.gov/core/find_agency.html) and 'find a person,' which is located at [http://www.in.gov/core/find\\_person.html](http://www.in.gov/core/find_person.html). Also, the State-level EO Officer's phone number and TDD are listed on page 28 of the Unemployment Insurance Claimant Handbook, which is located at [http://www.in.gov/dwd/files/Claimant\\_Handbook.pdf](http://www.in.gov/dwd/files/Claimant_Handbook.pdf).

### **Program Support at the State-Level – Migrant Seasonal Farm Workers**

Mr. Tim Lawhorn is designated as the State Monitor Advocate (SMA) and provides technical assistance to staff of the WorkOne system, including training in referral of migrant and seasonal farm workers (MSFW) to agricultural and non-agricultural job orders and coordination of services for the Outreach function. See Element 4 for a detailed description of MSFW in conjunction with the Outreach role.

The SMA handles all migrant and seasonal farm worker complaints sent to the State. MSFW complaints include: seasonal farm workers, migrant farm workers, and migrant food processing workers. All complaints are noted on the Customer Service Record (State Form 46001), which the Local-level EO Officers submit on a quarterly basis (April 5, July 5, October 5, and January 5) to the State-level EO Officer.

The State-level EO Officer provides copies of the forms to the SMA when a MSFW complaint is noted.

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<sup>1</sup> The documentation section includes Ms. Brown's designation letter, which was submitted to Mr. Ramón Surís Fernández, Esq., Director for the Civil Rights Center, U.S. Department of Labor on March 10, 2010. In addition, the documentation section contains DWD's organizational chart which identifies the location of the State-level EO officer; Ms. Brown's position description; and Introductory e-mail to the Local-level EO officers.

<sup>2</sup> DWD Policy 2012-04 and 2012-05 are provided in the documentation section.



**Equal Opportunity Officer Designation at the Local Level**

All WIA nondiscrimination and equal opportunity matters within the twelve regions are initially referred to the individual Local-level EO Officer, as indicated in the chart below:

Region	Name	Title	Address	E-mail	Phone	Counties
1	Nora Atkins	Strategic Management	2804 Boilermaker Court, Ste. E, Valparaiso, Indiana 46383	<a href="mailto:tarq@comcast.net">tarq@comcast.net</a>	(219) 873-1735	Lake, Porter, LaPorte, Starke, Pulaski, Jasper, and Newton
2	Sherry Szmanda-Klein	Director of Youth Services & Quality Assurance	851 S Marietta St, South Bend, IN 46601	<a href="mailto:SSzmanda@PartnersForWorkforce.org">SSzmanda@PartnersForWorkforce.org</a>	(574) 237-9675, ext 1140	St. Joseph, Elkhart, Kosciusko, Fulton, and Marshall
3	Lisa Mungovan	Sr. Director of Human Resources	200 E. Main Street, Ste 910, Fort Wayne, IN 46802	<a href="mailto:LMungovan@WorkOneNE.org">LMungovan@WorkOneNE.org</a>	(260) 469-4301	LaGrange, Steuben, DeKalb, Allen, Adams, Wells, Huntington, Wabash, Whitley, Noble, and Grant
4	Tina Overley-Hilt	Operations Assistant & Data Administrator	976 Mezzanine Drive, Suite C, Lafayette, IN 47905	<a href="mailto:toverleyhilt@tap.lafayette.in.us">toverleyhilt@tap.lafayette.in.us</a>	(765) 807-0884	Benton, White, Cass, Miami, Carroll, Howard, Warren, Fountain, Tippecanoe, Montgomery, Clinton, and Tipton
5	Becky Branham	Associate Director	836 S. State St. P.O. Box 69, Greenfield, IN 46140	<a href="mailto:bbranham@workonecentral.org">bbranham@workonecentral.org</a>	(317) 467-0248, ext. 301	Boone, Hamilton, Madison, Hendricks, Hancock, Morgan, Johnson, and Shelby
6	Cathy Cross	Chief Financial Officer	122 E. Main Street, Muncie, IN 47305	<a href="mailto:dkoesters@asgcorp.org">dkoesters@asgcorp.org</a>	(765) 282-6400, ext. 111	Blackford, Jay, Delaware, Randolph, Henry, Wayne, Rush, Fayette, and Union

Region	Name	Title	Address	E-mail	Phone	Counties
7	Tim Kelley	Financial Officer	630 Wabash Avenue, Suite 205, Terre Haute, IN 47807	<a href="mailto:tkelley@workforcenet.org">tkelley@workforcenet.org</a>	(812) 238-5616	Vermillion, Parke, Putnam, Vigo, Clay, and Sullivan
8	John Corcoran	Region 8 Workforce Board Director	2597 West Vernal Pike, Bloomington, IN 47404	<a href="mailto:corcoranjfc@msn.com">corcoranjfc@msn.com</a>	(812) 332-4496	Owen, Greene, Monroe, Brown, Daviess, Martin, Lawrence and Orange
9	Kurt Kegerreis	State Director	3737 N Meridian St, Indianapolis, IN 46208	<a href="mailto:kkegerreis@nationalable.org">kkegerreis@nationalable.org</a>	(317) 396-7805	Bartholomew, Decatur, Franklin, Jackson, Jennings, Ripley, Dearborn, Jefferson, Ohio and Switzerland
10	Ron McKulick	Executive Director	P.O. Box 6712, New Albany, Indiana 47151	<a href="mailto:rm@wda-inc.org">rm@wda-inc.org</a>	(812) 944-7793	Scott, Washington, Clark, Floyd, Harrison and Crawford
11	Linda Jones	Financial Manager	318 Main Street, Suite 504, Evansville, IN 47708	<a href="mailto:Linda.Jones@workonesw.org">Linda.Jones@workonesw.org</a>	(812) 492-4511	Gibson, Pike, Knox, Dubois, Posey, Vanderburgh, Warrick, Spencer and Perry
12	Ron Harrison	General Manager	2525 N. Shadeland Avenue, Indianapolis, IN 46219 3400 Lafayette Rd Suite 100 Indianapolis, IN 46222	<a href="mailto:RHarrison@EmployIndy.org">RHarrison@EmployIndy.org</a>	(317) 358-4504 (317) 246-5403	Marion – WorkOne East Marion – WorkOne West

*TTY/TDD: The Local-level EO Officers utilize Relay Indiana: 800-743-3333*

### **Duties of the Local-Level EO Officers**

The Local-level EO officers monitor the WorkOne offices in their designated regions and, on average, devote one hour per week on WIA EO related-activities unless a matter arises that requires additional time. The Local-level EO Officers are responsible for, but not limited to:

- Monitoring the local area's service delivery system, specific to those recipients who receive financial assistance under WIA Title I or One-Stop partners to the extent that they participate in the One-Stop delivery system;
- Reviewing their local region's written policies to ensure they are nondiscriminatory; and
- Coordinating all local level WIA EO activities, thus ensuring compliance with the nondiscrimination and equal opportunity provisions of WIA.<sup>3</sup>

### **Making the Identity of the Local-Level EO Officer Known**

The Local-level EO officers also make their identity known to applicants, registrants, eligible applicants/registrants, participants, employers, employees, applicants for employment and the public by posting notices of "Equal Opportunity is the Law" in the WorkOne offices.<sup>4</sup> The notices are available for printing at [www.in.gov/dwd/files/EqualOpportunityIsTheLaw.doc](http://www.in.gov/dwd/files/EqualOpportunityIsTheLaw.doc). The notices can be posted in languages other than English that reflect languages spoken by significant portions of the population within the relevant service area. DOL/CRC's website has a variety of posters available in different languages at [www.dol.gov/oasam/programs/crc/EOPosters.htm](http://www.dol.gov/oasam/programs/crc/EOPosters.htm).

In addition, each Workforce Service Area adopts policies that conform to State policy, which ensures that the WorkOne offices are meeting the nondiscrimination and equal opportunity requirements of WIA and 29 CFR Part 37. The adopted policies and procedures provide the Local-level EO officer contact in their respective regions.

### **EO Training for the State and Local Level Equal Opportunity Officer**

Ms. Brown provides ongoing EO technical assistance and notifies the Local-level EO Officers of informational updates and notices of EO-related training sponsored by other sources, such as webinars hosted by DOL/CRC. EO information is also relayed through the Field Operations unit at the semi-annual manager meetings.

### **2010 Training**

- DOL/CRC hosted a webinar on April 28, 2010 at which both Indiana's State-level and Local-level EO Officers were registered. The webinar provided an overview of the EO roles and responsibilities.
- The State-level EO Officer sponsored an in-house webinar on July 8, 2010 for the Local-level EO Officers. The training covered 29 CFR Part 37 and Section 188 of WIA; DWD EO policies; the Americans with Disabilities Act (ADA); procedures for the grievance/complaint process; EO monitoring; the nine elements of the MOA; and proper signage for the WorkOne offices.<sup>5</sup>
- In addition to participating in webinars, the State-level EO Officer attended the National Equal Opportunity Training Symposium, which was hosted by DOL/CRC in Bethesda, Maryland on August 9 – August 13, 2010. The four day forum provided training on implementing the nondiscrimination and equal opportunity laws of WIA.<sup>6</sup>

<sup>3</sup> Documentation section includes a representative sample of job descriptions as well as the organizational charts for newly-appointed Local-level EO Officers.

<sup>4</sup> Documentation section contains the "Equal Opportunity is the Law" notice in English and Spanish.

<sup>5</sup> Documentation section includes e-mails, Agendas, and PowerPoint print-outs of the abovementioned trainings.

<sup>6</sup> Documentation section includes the notice of registration, Agenda, and Certificate of Completion.

## **2012 Training**

The State-level Equal Opportunity Officer attended the Annual Multi-State EO Training in Okemos, Michigan on May 16, 2012. The training was presented by the DOL/CRC and was hosted by the State of Michigan Workforce Development Agency and Michigan Works! Association. The PowerPoint slides and information were provided to the Local-level EO Officers. The agenda items consisted of the following:

- Introduction and overview: The applicable law and your role in enforcing it;
- Discrimination complaints: Processing and investigation;
- Data collection and monitoring;
- Limited English Proficiency (LEP);
- HIV/AIDS and the One-Stop System; and
- Discrimination on the basis of criminal history, credit history or employment status.<sup>7</sup>

## **2013 Training**

Local-level EO Officer attended the 2<sup>nd</sup> Annual Multi-State EO Training in Okemos, Michigan on August 14, 2013. Training topics included best practices for processing and investigating discrimination complaints; roles and responsibilities of enforcing applicable laws; the Americans with Disabilities Act, reasonable accommodation, and equal access; Limited English Proficiency and best practices; data collection and disparate impact analysis; and discrimination on the basis of criminal history.

EO Officers participated in the following webinars hosted by the USDOL CRC:

- Language Access – UI Programs and LEP Individuals
- Technical Assistance Consultation with EO Officers and the USDOL CRC
- Employment Screening and Criminal Records: Pitfalls and Best Practices
- Data on Transgender Discrimination and Best Practices in the Job Corps Setting
- Equal Opportunity 101

## **Semi-Annual Conference Calls**

The EO Officers shall participate in semi-annual conference calls to discuss current activity within the twelve regions. Items discussed shall include, but are not limited to, structural and program accessibility of buildings, programs, and services to ensure equal access and integration; outreach efforts; training needs of staff; monitoring; the development and implementation of necessary policies and procedures, etc.

## **Budget**

The programmatic funding requests for the Equal Opportunity requirements are submitted to the DWD's Leadership Team for review and decision. The requests include such items as document translation, brochure/poster printing, compliance monitoring visits, and participation in professional development related technical assistance. In support of the EO officer position, the source of funds are derived from the WIA Administration Funds.

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<sup>7</sup> Documentation section contains verification of the training, pertinent e-mails, and copies of the PowerPoint slides provided at the training.

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## **ELEMENT 2:**

### **NOTICE AND COMMUNICATION (29 CFR 37.54(d)(1)(iii))**

*Indiana addresses how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.29 through 37.36.*

*States should ensure the establishment of a notice and communication system that makes all registrants, applicants, eligible applicants/registrants, applicants for employment, employees and interested members of the public aware of both the recipient's obligation to operate its programs and activities in a nondiscriminatory manner, and the extend of the rights of members of these groups to file complaints of discrimination.*

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Recipients must provide initial and continuous notice that they do not discriminate on any prohibited grounds. The requirement is that this notice must be provided to registrants, applicants and eligible applicants/registrants, participants, applicants for employment and employees, unions or professional organizations that hold collective bargaining agreements with the recipients, sub-recipients that receive WIA Title I funds from the recipients, and members of the general public, including those with limited vision and hearing. Section 37.29 requires the recipient to further take appropriate steps to ensure communications with individuals with disabilities are as *effective* as communications with others.

#### **EO Notice Requirements**

Recipients were advised of the requirement for conspicuous posting of the "Equal Opportunity is the Law" notice as well as the requirement to make the notice available in alternate formats for persons with visual impairments through the following DWD Policies:

"Nondiscrimination and EO Requirements of WIA."

"WIA Equal Opportunity Notice and Posting Requirements within the Workforce Investment System."

- 2007-30 "Ensuring Nondiscrimination and Equal Opportunity to Persons with Disabilities Participating in Programs and Activities in the WorkOne Delivery System"

In addition, the supplemental "Discrimination is Against the Law" poster provided by DOL/CRC are available for use by the WorkOne offices to ensure that individuals are fully informed of their right to file discrimination complaints under WIA.<sup>8</sup>

Notices and posters must be displayed in a manner that is ADA compliant. Auxiliary aids and services are required to be provided when necessary. Compliance is monitored during desk and onsite monitoring reviews.

#### **Displaying the WIA EO Tagline and TDD/TTY**

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<sup>8</sup> Documentation section contains copies of the notices and policies.

Recipients were instructed by DWD Policies 2012-04 “Nondiscrimination and Equal Opportunity Requirements of WIA;” 2012-05 “WIA Equal Opportunity Notice and Posting Requirements within the Workforce Investment System;” and 2007-30 “Ensuring Nondiscrimination and Equal Opportunity to Persons with Disabilities Participating in Programs and Activities in the WorkOne Delivery System” of the requirements to include the following EO tagline/language in recruitment brochures, pamphlets and other publications which promote WIA programs and activities:

*“This WIA Title I-funded program/activity is an equal opportunity employer/program.”*

*“Auxiliary aids and services are available upon request to individuals with disabilities.”*

The policies also state that when a phone number is provided, it must be accompanied by a TDD/TTY number on all materials promoting WIA Title I activities and programs. A 1-800 relay number is accessible in the event a TDD number is not available.

In addition, Indiana Career Connect (ICC), Indiana’s job matching system and the “Unemployment Insurance Claimant Handbook” provides notice to job seekers and employers that it is an equal opportunity employer/program and is accompanied by a TDD/TTY number.

### **WorkOne Brand Policy**

DWD Policy 2012-03 “WorkOne Brand Policy” provides the following guidance to the WorkOne offices regarding branding and marketing:

#### **“WIA DISCLAIMER**

All outreach materials (including letterhead) produced by DWD and it’s WorkOne partners must include the following disclaimer:

*“This WIA Title I-funded program/activity is an equal opportunity employer/program.*

*Auxiliary aids and services are available upon request to individuals with disabilities.”*

The ideal placement for this disclaimer is at the bottom of the page; for trifold, brochures and booklets the disclaimer may be placed near the bottom of the back cover. This disclaimer should be displayed in a smaller font size than the main content of the marketing piece, but shouldn’t be smaller than 6 pts in order to remain legible.”<sup>9</sup>

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<sup>9</sup>Policies containing guidance for the use of the WIA EO tagline are included in the documentation section. Also, sample materials, job announcements, brochures, and publications listing the EO tagline language are included in the documentation section.

### **Information in Languages other than English**

Using the most recent statistical data, Spanish appears to be the predominant non-English language spoken by Limited English Proficiency (LEP) persons in Indiana. Based on this finding, the “Equal Opportunity is the Law” notice is available in both English and Spanish, and is disseminated to Indiana’s twelve regions.

Also, the “Discrimination is Against the Law” poster is available in Spanish on CRC’s website and can be downloaded in letter-size for use by the WorkOne full service centers and express sites. Additional State and Federal posters, such as the Unemployment Insurance Poster and Migrant and Seasonal Agricultural Worker Protection, are provided in English and Spanish on DWD’s website at <http://www.in.gov/dwd/2455.htm>.<sup>10</sup>

**Also, Spanish-speaking individuals can change the information provided on ICC from English to Spanish.**

Additional LEP services are provided at the regional level. Examples include, but are not limited to, bilingual staff, hand-held translators, English as a Second Language classes, and software, such as Rosetta Stone.

### **Telephonic and Face-to-Face Interpreter Services**

DWD Policy 2011-02 “Telephonic and Face-to-Face Interpreter Services provides guidance to Indiana’s Workforce Investment System regarding interpreter services at the Administration Office, WorkOne full service centers, and express Sites. When interpreter services are requested, they are provided at no charge to the client.

The **Face-to-Face Interpretation** contract establishes hourly rates based on the language selected and provides services for the following languages: American Sign Language, Amharic, Arabic, Bosnian, Burmese, Cantonese, Czech, Dutch, Farsi, French, German, Greek, Gujarati, Hebrew, Hindi, Italian, Japanese, Korean, Mandarin Chinese, Polish, Portuguese, Punjabi, Russian, Serbian, Slovak, Spanish, Turkish, Ukrainian, Urdu, and Vietnamese.

The **Telephonic Interpretation** contract establishes 24 hour /7 day a week interpretative services. The rates are billed by the minute based on the language selected and are provided for the following languages Acholi, Afrikaans, Akan, Albanian, Amharic, Arabic, Arakenese, Armenian, Assyrian, Azerbaijani, Azeri, Bahasa, Bajuni, Bambara, Basque, Behdini, Belorussian, Bengali, Berber, Bosnian, Bravanese, Bulgarian, Burmese, Cantonese, Catalan, Chaldean, Chaochow, Chavacano, Cherokee, Chin, Chuukese, Cree, Croatian, Czech, Dakota, Danish, Dari, Dinka, Diula, Dutch, Estonian, Ewe, Farsi (Persian), Fijian Hindi, Finnish, Flemish, French, French Canadian, Fukienese, Fula, Fulani, Fuzhou, Ga, Gaddang, Gaelic, Georgian, German, Gorani, Greek, Gujarati, Haitian Creole, Haaka, Hakka-China, Hassaniyya, Hausa, Hebrew, Hindi, Hmong, Hokkien, Hunanese, Hungarian, Ibanag, Ibo, Icelandic, Igbo, Ilocano, Indonesian, Inuktitut, Italian, Jakartanese, Japanese, Javanese, Kanjobal, Karen, Karenni, Kashmiri, Kazakh, Khmer (Cambodian), Kinyarwanda, Kirghiz, Kirundi, Korean, Kosovan, Krio, Kurdish, Kurmanji, Laotian, Latvian, Lingala, Lithuanian, Luganda, Luo, Luxembourgish, Maay, Macedonian, Malagasy, Malay, Malayalam, Maltese, Mandarin, Mandingo, Mandinka, Marathi, Marshallese, Mien, Mina, Mirpuri, Mixteco, Moldavan, Mongolian, Montenegrin, Moroccan Arabic, Navajo, Neapolitan, Nepali, Nigerian Pidgin English, Norwegian, Nuer, Oromo, Pahari, Pampangan, Pangasinan, Pashto, Patois, Pidgin English, Polish, Portuguese, Portuguese Creole, Pothwari, Pulaar, Punjabi, Quichua, Romani Vlach, Romanian, Russian, Samoan, Serbian, Shanghainese, Sichuan, Sicilian, Sinhalese, Sindhi, Slovak, Slovenian, Somali, Soninke, Sorani, Spanish, Sudanese Arabic, Sudanese, Susu, Swahili, Swedish, Sylheti, Tagalog, Taiwanese, Tajik, Tamil, Telegu, Thai, Tibetan, Tigre, Tigrinya, Toishanese, Tongan, Tshiluba, Turkish, Twi, Ukrainian, Urdu, Uyghur, Uzbek, Vietnamese, Visayan, Wenzhou, Wolof, Yiddish, Yoruba, Yupik.

<sup>10</sup> The documentation section provides DWD Policy 2006-19 and samples of available posters.

### **Nondiscrimination Efforts**

- **DWD Central Office Orientation:** New employees are provided with copies of relevant policies and procedures, such as Indiana’s Workplace Harassment Prevention Policy Statement and DWD Policy 2009-04 “Required Training for all Indiana Department of Workforce Development Employees.” Employees are also informed to read the State of Indiana Employee Handbook located at <http://www.in.gov/spd/files/eehandbook.pdf>.
- **WIA Orientation:** To ensure individuals have been notified of their rights under WIA Section 188 and 29 CFR Part 37, the WorkOne full service centers and express sites distribute DWD Policy 2012-05 “WIA Equal Opportunity Notice and Posting Requirements within the Workforce Investment System” to registrants, applicants, eligible applicants/registrants, applicants for employment, employees and interested members of the public.
- **EO Law and Grievance Procedures (Participant File):** TrackOne, the State of Indiana case management system, collects and reports data for the programs administered by DWD. TrackOne receives data from ICC, Indiana’s job matching site/application, and collects data for applicants and participants receiving core, intensive, and supportive services under WIA Title I. Once an individual has been enrolled in a WIA program or activity, he or she is required to sign a statement indicating they understand the EO law and grievance procedures and have received the EO handout notice. Once signed, a paper or electronic copy of the statement is placed in the participant’s file.



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### **ELEMENT 3:**

#### ***REVIEW ASSURANCES, JOB TRAINING PLANS, CONTRACTS, AND POLICIES AND PROCEDURES (29 CFR 37.54(d)(1)(i) and (d)(2)(i), (iii) and iv))***

*Indiana addresses how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.20 and 37.54(d)(1)(i) and (d)(2)(i), (iii) and (iv) regarding the review of assurances, job training plans, contracts, and policies and procedures.*

*Additionally, Indiana addresses the procedures it and its recipients are following and will continue to follow in assessing the ability of grant applicants, if funded, or training providers, if declared eligible, to comply with WIA section 188 and 29 CFR Part 37.*

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The State of Indiana ensures that the language contained in 29 CFR 37.20 is included in each application for financial assistance through the use of policies and contractual obligations with the Workforce Investment Boards (WIBs).<sup>11</sup>

#### **Grant for the Provisions of Employment and Training Services**

As stated in the “Grant for the Provisions of Employment and Training Services,” each party to the grant agreement must “fully comply with the nondiscrimination and equal opportunity provisions of Section 188 of WIA and its implementing regulations at 29 CFR Part 37.” In addition, each party also assures that the following is provided in the One-Stop delivery systems:

- Facilities and programs which are architecturally and programmatically accessible.
- Reasonable accommodations for individuals with disabilities.
- Cost allocation method for making reasonable accommodations.

#### **Contract for the Provisions of Integrated Employment and Training Services**

The “Contract for the Provisions of Integrated Employment and Training Services” is for the WIA, Wagner-Peyser, and Unemployment Insurance funding sources; indicates shared costs in the One-Stop offices; and contains a nondiscrimination assurance.

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<sup>11</sup> Language contained in the ‘Assurances’ for PY 12 and PY 13 are included in the documentation section.

### **Notice of the Requirement**

DWD Policy 2012-04 “Nondiscrimination and Equal Opportunity Requirements of WIA” informed all local and regional workforce boards of the necessity of including this assurance in all contracts, grants, cooperative agreements, applications, or other arrangements.

The Notice informs all recipients that this nondiscrimination assurance is considered incorporated by operation of law in the grant, cooperative agreement, contract, or other arrangement whereby Federal financial assistance under Title I of WIA is made available, whether or not it is physically incorporated in such document and whether or not there is a written agreement between the Department of Labor and the recipient, or between the Department and the Governor, between the Governor and the recipient, or between recipients.

The assurance also may be incorporated by reference in such grants, cooperative agreements, contracts, or other arrangements. The WIBs have adopted the required assurance language, either entirely or in reference, as required by the regulations.

### **State Plan**

Indiana’s Integrated Workforce Plan for Title I of WIA and the Wagner Peyser Act (Program Year 2012 – Program Year 2016) contains an assurance section of statements certifying that such statements are accurate, complete, and meet all legal and guidance requirements. The State of Indiana assures the following statements:

- The state ensures that outreach is provided to populations and subpopulations that can benefit from WorkOne Career services.
- The state implements universal access to programs and activities to all individuals through reasonable recruitment targeting, outreach efforts, assessments, services delivery, partnership development, and numeric goals.
- The state complies with the nondiscrimination provisions of section 188, including the development and implementation of the MOA.
- The state collects and maintains data necessary to show compliance with nondiscrimination provisions of section 188.
- The state has designated at least one person in each state or federal employment office to promote and develop employment opportunities, job counseling, and placement for individuals with disabilities

### **Assurance Reviews**

The Fiscal and Administrative monitors within the DWD’s Oversight Department review the Equal Opportunity (EO) and Directorate of Civil Rights (DCR) language contained within the service provider contracts. The fiscal monitors also review training contracts and Memorandums of Understandings (MOUs) for the appropriate EO language.

In addition, the Monitoring Unit and Equal Opportunity Officers monitor offices through technical assistance visits or desk audits. Onsite structural accessibility, parking for individuals with disabilities, designated restrooms, appropriate signage, program accessibility and effective communication with persons with disabilities are some of the elements monitored.<sup>12</sup>

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<sup>12</sup> The documentation section includes a copy of the ‘Contract Review’ guide utilized during the assurance reviews.

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## **ELEMENT 4:**

### **UNIVERSAL ACCESS (29 CFR 37.54(d)(1)(vi))**

*Indiana addresses how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.42 relating to the provisions of universal access to programs and activities.*

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Pursuant to the DWD Policy 2012-04 “Nondiscrimination and EO Requirements of WIA,” recipients must take appropriate steps to ensure they are providing universal access to WIA Title I-financially assisted programs. These steps should include reasonable efforts to include members of both sexes, various racial and ethnic groups, individuals with disabilities and individuals in differing age groups.

Indiana’s WorkOne offices strive to serve a broad range of customers through outreach efforts and other uses of partner resources. Such efforts include community outreach, job fairs, job information centers, posters, fliers, and brochures that promote WIA Title I programs and activities. DWD Policy 2012-03 indicates that WorkOne full service centers and express sites must include the WIA EO tagline on any WIA outreach material.<sup>13</sup>

Also, many of the DWD services are available in multiple formats including web-based applications for labor exchange, unemployment insurance, and labor market information. Customers can go online to access their specific region’s WorkOne website to view information such as: programs, services, training, upcoming job fairs, special events, employment opportunities, and Unemployment Insurance. The websites are available at <http://www.in.gov/dwd/WorkOne/locations.html>.

#### **Demographic Assessment**

Hoosiers by the Numbers is a website that provides Workforce Service Areas with a tool to identify the diversity in their respective regions. Demographic data targets populations by age, race, and ethnicity. Local demographic information assists the local regions in their diversity planning and services development.

#### **Outreach Efforts**

The full range of employment and training services delivered through Indiana’s WorkOne offices is accessible to, and meets the needs of, specific populations. Such populations include dislocated workers, displaced homemakers, low income individuals, migrant and seasonal farm workers, women, minorities, individuals training for non-traditional employment, veterans, public assistance recipients, and individuals with multiple barriers to employment, including older individuals, people with limited English-speaking proficiency, and people with disabilities.

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<sup>13</sup> Documentation section includes a copy of DWD Policy 2012-03.

### **Veteran Outreach and Programs**

DWD Policy 2009-01 explains priority of service for veterans and eligible spouses, required roles and responsibilities for Disabled Veterans' Outreach Program (DVOP) Specialists and Local Veterans' Employment Representatives (LVER) in DWD's integrated WorkOne full service centers and express sites. Upon entry into a WorkOne office, veterans and eligible spouse customers should be identified and allowed to move ahead of non eligible persons in line. "Priority of Service" signs are displayed in WorkOne offices where veterans are served. Customers with visual impairments must be asked if they are a veteran or eligible spouse.

The DVOP Specialists facilitate intensive services to veterans with significant barriers to employment and/or special training needs. These services include conducting an assessment, developing a plan of action that is documented, providing career guidance, coordinating supportive services, making job development contacts, providing referrals to training, and making referrals to job openings.

The LVER facilitates employment, training, and placement services furnished to veterans. These services focus on outreach to employers, career fairs, employer workshops, job development, and training assistance services.

All staff in the WorkOne offices provide veteran priority of service. This is most evident when staff refer individuals to job orders posted on ICC, Indiana's automated job matching system. Also in ICC, the user can elect to self-identify themselves as a veteran. WorkOne staff contacts veterans for referral before non-veterans, within the first 24 hours of receiving the job order.

### **Service to Hoosier Veterans**

DWD has sixty-one funded veteran staff positions divided between Disabled Veteran Outreach Program Specialists (DVOPS) and Local Veterans Employment Representatives (LVERs) to serve veterans throughout the State. DWD provides statewide services to several thousand veterans through operations at full-service WorkOne Centers, Camp Atterbury, and the Regional Veterans Administration Office in Indianapolis.

### **Veterans Program Initiatives**

#### **Seamless Transition Program**

DWD has continued its agreement with the USDOL to provide employment, unemployment, reemployment, and training services to National Guard soldiers returning from deployment and demobilizing at Camp Atterbury. Under this program, LVER provides the following services:

- Assistance in filling out veteran's transition forms for demobilizing soldiers;
- Dissemination of forms to veteran's home state employment and training offices;
- Informational services in regards to soldiers rights; and
- Enrollment and job search assistance

In addition, LVERs and DVOPS provide continuous support services through the Indiana National Guard Yellow Ribbon Seamless Program, including support services for the Indiana Air National Guard units in Fort Wayne and Terre Haute.

## **Vocational Rehabilitation and Employment (VR&E) Services (Chapter 31)**

Chapter 31 is a unique program designed specifically for disabled veterans. It has two primary goals: First, to assist the service-disabled veteran to prepare for, obtain, and maintain suitable employment. Second, for those veterans who are severely disabled and for whom gainful employment is not an option, assistance may be provided to allow the veteran to live more independently in his or her community. During Program Year 2014, 45 veterans participated in this program. Under this program, DVOPS provide case-management services to veterans entering the employment phase of the rehabilitation process.

## **Department of Correction**

### **Indiana's Veterans Facility and the Indianapolis Re-Entry Education Facility**

In February 2010, a dormitory was opened for Indiana veterans at the Indianapolis Re-Entry Educational Facility. In cooperation with the Indiana Department of Correction (DOC), DVOPS staff members provided incarcerated veterans with transitioning assistance back to local communities statewide as well as bi-weekly informational sessions designed to help find employment opportunities upon release. DWD has a DVOP which is specialized in working with the unique barriers faced by incarcerated and homeless veterans. In June 2012, the DVOP completed a specialized certification in Offender Workforce Development Specialist from the National Institute of Corrections. This 180 hour course will help the DVOP to better serve this population. This program continues in 2014 with the DVOP coordinating service delivery with WorkOne offices throughout the state for veterans upon release.

### **Operation Hire a Hoosier Veteran**

DWD and several WSA Boards supported a veteran's career fair on April 10, 2014, which was attended by several hundred Hoosier veterans. In preparation for Operation Hire a Hoosier Veteran, ten regional workshops were conducted at various locations throughout the central Indiana area. The workshops included presentations on resume preparation, professional work attire, and interviewing skills. The concept of veteran- focused workshops, plus the cooperation and coordination among WSA Boards proved to be a success, and will become a standard procedure prior to other Hoosier Veteran Career Fairs. Approximately 100 vendors, which included various employers and area post-secondary institutions, participated in the event.

### **The Hoosier Initiative for Reentry Employment**

#### **Service to incarcerated and previously incarcerated individuals**

In December 2011, DWD undertook the planning process of developing a reentry program in partnership with DOC. In March 2012, operations began, and since that time DWD has hired ten Reentry Employment Coordinators. These individuals have been trained and received certification from the National Institute of Corrections as Offender Workforce Development Specialists.

Through the partnership with DOC, the Reentry Employment Coordinators work with individuals pre-release in preparing them for the workplace and expectations of today's employers. The training process includes more than thirty hours of work readiness, soft skill and career exploration activities. Upon release, the Reentry Employment Coordinator works with area employers to find suitable and sustainable employment. To date, DWD has been able to place **3,000** formerly incarcerated individuals.

### ***Indiana's Disability Employment Initiative (IN-DEI) Grant***

In October 2012, DWD received funding to implement the Disability Employment Initiative (IN-DEI) grant. The focus of the grant is to increase the educational, training and employment opportunities for adults with disabilities, ages 18-64, who have a physical, developmental, psychiatric or other non-visible disabilities (specifically individuals who have an un-redeemed Ticket to Work); Disabled Veterans or eligible spouses; and persons with disabilities who have additional barriers to education, training or employment success. Outreach efforts will target persons with disabilities who lack a high school diploma equivalency, are basic skills deficient, have a criminal record, are homeless and/or receive TANF (Temporary Assistance for Needy Families) benefits.<sup>14</sup>

IN-DEI is comprised of five pilot sites and four control/comparison sites. Pilot sites received funding to hire a full-time staff person, referred to as a Disability Resource Coordinator, to implement the grant at the local-level. IN-DEI consists of four service delivery components: 1) Partnerships and Collaboration, 2) Integrated Resource Teams, 3) Blending/Braiding/Leveraging Funding, and Asset Development (financial literacy). Activity in the past two years has consisted of the following:

- Community outreach to consumers, employers, and organizations to promote IN-DEI and Social Security's Ticket to Work program;
- Identifying beneficiaries who have an assignable Ticket;
- Assessing structural/programmatic accessibility of WorkOne buildings, programs and services;
- Providing training and resources to staff (i.e. rules and regulations, sensitivity training; how to identify both visible and non-visible disabilities, etc.); and
- Providing consumers with financial literacy tools, disability resources, and employment support to assist them in finding, obtaining, and retaining employment.

In addition, Easter Seals Crossroads is partnering with the IN-DEI pilot sites to assess the WorkOne's current assistive technology equipment/software and provide recommendations on items that need to be purchased, based on consumer need. Once the necessary equipment is purchased, Easter Seals will develop desktop manuals for the disability stations; provide training to staff members on the utilization of the equipment; and assist with sustainability efforts to ensure the equipment is utilized after the grant ends in September 2015.

### ***Disability Resources and Partnerships:***

#### **Hoosiers with Disabilities**

Job seekers with disabilities can access information on DWD's website regarding *Employment Assistance; Reasonable Accommodations; Assistive Technology; and Disability Resources* at [http://www.in.gov/dwd/WorkOne/job\\_seekers.html](http://www.in.gov/dwd/WorkOne/job_seekers.html).

Information is also listed for Indiana's Disability Employment Initiative (IN-DEI) grant and Social Security Administration's Ticket to Work program, as well as a Request for Application (RFA) soliciting state contracted Community Mental Health Centers (CMHCs) who provide case management and supportive services to individuals with moderate to severe mental illness. As a result of the RFA, two CMHCs were awarded IN-DEI funding and the website will be updated to reflect the grantees and overall outcomes of the proposals.

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<sup>14</sup> Documentation includes a one-page summary of IN-DEI and anticipated outcomes.

## **WorkOne Partner Resources**

Indiana's WorkOne system also meets the needs of its major customer groups by maximizing the use of WorkOne partner resources. DWD coordinates with Family and Social Services Administration (FSSA), the state agency that receives federal funding to serve individuals with disabilities, and Vocational Rehabilitation Services (VRS). Examples of the coordination between DWD, FSSA, and VRS include:

- An enhanced relationship with VRS to ensure that recipient services are appropriate for people with disabilities. VRS serves amputees, persons with mental illness, the developmentally disabled, persons with orthopedic, neurological, vision and hearing impairments and many other disabilities.
- The Division of Disabilities and Rehabilitative Services (DDRS) and DWD entered into an MOU to collaborate the job matching efforts for people with disabilities. Employers with disability hiring initiatives post job opportunities on Indiana's job matching system, ICC. ICC will then flag these specific companies to streamline the job search process for individuals with disabilities. The following information was included in the MOU and made part of the application process:

Before asking applicants to identify themselves as having a disability, the recipient clearly informs the individual that:

- providing the information is voluntary, *and*
- the information will be kept confidential as provided by law, *and*
- refusal to provide the information will not subject the applicant, employee or participant to any adverse treatment, *and*
- the information will be used solely for taking affirmative action under Section 503 of the Rehabilitation Act], *and* only in accordance with the law.

### ***The Final Rule: Section 503 and Vietnam Era Veterans Readjustment Assistance Act (VEVRAA)***

Training has been provided to DWD's Lead Team and WSA staff members on the regulation changes for Section 503 and VEVRAA. Training has been provided to Business Service staff and ICC staff through various means, such as leadership conferences and conference calls hosted by the Office of Federal Contract Compliance Programs (OFCCP). IN-DEI staff members have also trained WorkOne staff and met with employers to discuss the Final Rule and the hiring of qualified individuals with disabilities.

### **Accommodation Service in the WorkOne Offices**

TTY/TDDS and the 1-800 relay service are available in WorkOne offices to assist with providing communication to all customers, including individuals with disabilities.

### **Mobile/Virtual WorkOne Offices**

EmployIndy, which represents Marion County, offers mobile WorkOne services. The mobile team is equipped with career advisors, computers, and workshop materials and connects individuals to all of the programs and services available through a traditional WorkOne Center.

The mobile WorkOne schedules regular stops at seven community based organizations and many Indianapolis Marion County Public Library branches. The mobile team also visits other organizations as needed, attends career fairs and hiring events, and can even be on site during company downsizing to help employees make a smooth transition from one job to the next.



### **Minority Outreach**

Program Year 2010: Major Opportunities on-the-job training is a construction pre-apprentice training program. Employers that hire individuals with little or no construction training and provide them with on-the-job, occupational skill training can receive up to 50% of the employees' wages to compensate for the cost of training for up to six months. Priority must be given to participants who are a member of a minority group. Employers are expected to retain participants upon successful completion of training.

### **Limited English Proficient Outreach**

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient (LEP). Various services are offered within the twelve regions including, but not limited to, bilingual staff, hand-held translators, English as a Second Language classes, and software, such as Rosetta Stone.

DWD Policy 2006-19 "Ensuring Access to Services for Persons with Limited English Proficiency" provides guidance to grant recipients in serving individuals with limited English proficiency.

DWD Policy 2011-02 "Telephonic and Face-to-Face Interpreter Services" provides guidance to Indiana's Workforce Investment System regarding interpreter services at the Administration Office, WorkOne Full Service Offices and Express Sites. When interpreter services are requested, they are provided at no charge to the client.

### **Migrant and Seasonal Farm Workers Outreach**

The State Monitor Advocate (SMA) provides technical assistance to staff of the WorkOne system, including training in referral of migrant and seasonal farmworkers (MSFW) to agricultural and non-agricultural job orders and coordination of services for the Outreach function.

Effective 12/31/12, the contract with the service-provider, Indiana Health Centers (IHC) expired. The other participating agencies in the contract; Indiana Department of Education, and Family and Social Services opted not to participate in a new contract. Despite State Workforce Agency (SWA) efforts to renew independently with IHC, an agreement could not be reached for the funds proposed by the SWA.

In November, 2013 Proteus, Inc., also the 167 grantee, signed a contract to become the outreach service-provider. Proteus anticipates making contact with about 950 farmworkers in the coming Program Year. Data supplied by Proteus indicates they envision providing Worker Pesticide Safety training to approximately 850 farmworkers while 100 will receive NFJP training or direct placement. Tools to conduct outreach include: personal contact, and program presentations at WorkOne offices, community colleges, and two-year institutions. Promotional materials will also be placed throughout the state at, but not limited to, those locations.

Proteus Outreach staff consists of five workers; Kokomo – 2, South Bend – 1, Columbus – 1, Vincennes – 1. Of the approximate 8,000 MSFW in the state last year, outreach workers were able to identify 3,900 farm workers and their dependents. Outreach staff will continue to seek out and locate small pockets of workers in isolated areas of the state in order to increase the ability of MSFW to access core, intensive, and training services in the One-Stop system. The level of Wagner-Peyser funding provided to Proteus to be used for outreach activities during the fiscal year is expected to be \$30,000.

DWD anticipates providing Outreach staff with updated brochures on migrant and seasonal farmworker services available from the DWD. These brochures will also be posted in the licensed labor camps and the Outreach offices. Additional opportunities for Outreach staff include working with crew leaders and



employers in creating an awareness of the services available in filling openings, crew leader registration, and interpretation/translation services that can be found with the local office. Referrals are made as needed for job search, placement assistance, or other needs with which DWD can assist.

Approximately 45 licensed temporary labor camps and 20 other farmworker employers throughout Indiana represent supplementary contacts prospects. A data summary report will be provided to DWD and other funding sources at the end of every migrant season, as well as an annual report. These reports are a compilation of all the information gathered from farmworkers through the Outreach intake and referral assessment process.

### **Dislocated Workers Outreach**

Dislocated Workers have access to core services through Indiana's WorkOne offices. When a plant is closing or there is going to be a substantial layoff, the WorkOne offices provide Rapid Response Services, including how to apply for Unemployment Insurance, job search assistance and job referral, and resume assistance, veteran's assistance, and re-training/education benefits. After Rapid Response Orientation, assistance that is more specific can be provided to the dislocated workers, if needed. One-on-one assistance, group career workshops, and other assistance such as skills assessments, job counseling, career planning, and re-training are available through the WorkOne Centers.

### **Employment Barrier Outreach**

Technical Assistance Bulletin (TAB) 2008-07, Change 1 explains DWD's Federal Bonding Program (FBP). FBP provides fidelity bonding insurance to employers for coverage of job applicants who are qualified for employment but who fail to secure jobs because regular commercial bonding is denied. The program may provide coverage for a person who is considered a "high-risk" by an employer such as: an individual with a criminal history; youth at risk; past history of substance abuse (alcohol and/or drug abuse); recipient of public assistance such as TANF or SNAP; having a poor credit record has declared bankruptcy or been dishonorably discharged from the military. The applicant must have a firm offer of employment and bonding must be a reasonable requirement for the position.

### **Reemployment Services – (REA)**

Indiana's Reemployment Eligibility Assessment (REA), Jobs for Hoosiers (JFH), and Worker Profiling Reemployment Services (WPRS) are Unemployment Insurance (UI) based USDOL programs. REA is a renewably yearly grant funded program. WPRS is funded through Wagner-Peyser funding (W-P). In 2014, JFH became partially funded through the REA grant (with additional funding from WP and UI) and will be included in an elite USDOL REA study of program effectiveness. REA was designed to assist UI claimants through early intervention to aid in a quicker return to meaningful employment, eliminate UI fraud, and provide a savings to the unemployment insurance fund.

Claimants are selected for participation in Reemployment Services (RES) programs (including REA, JFH and WPRS) based on their responses to questions on their application for a new UI claim. Statistical Model profiles claimants identified as unlikely to return to their previous jobs or occupations, and most likely to exhaust their regular unemployment benefits based on the following variables: education, job tenure, Maximum Benefit Amount (of UI claim), occupation, and Unemployment rate for the region.

REA and JFH program designations are randomly assigned by the UI system, eliminating the opportunity for discrimination and providing equal opportunity for all UI claimants. The individuals selected for participation in either REA, JFH, or WPRS are deemed likely to exhaust their UI benefits before finding meaningful employment, if not given additional guidance and/or training.

## **Youth Outreach**

### **Jobs for America's Graduates (JAG)**

Indiana has implemented a statewide, multi-year drop-out prevention program targeting at-risk high school juniors and seniors. An advisory group consisting of a JAG Program Specialist, high school counselors and administrators, and workforce program managers selects thirty-five to forty-five students per program. A program can consist of multi-year students, juniors and seniors or only juniors or seniors. Students who have low academic performance, excessive absences, disciplinary referrals, low or no work experience and low marketable occupational skills are selected for the program. Indiana also supports the JAG out-of-school model for students working towards their High School Equivalency Diploma. More than 5,000 students were served during the 2013-2014 school year.

The Jobs for America's Graduates State Career Development Conference was held March 14, 2014 at Ivy Tech Community College in Indianapolis. Ivy Tech hosted the event providing the students the opportunity to visit the campus and compete in employability skills events. Nine regional conferences were held and students earned their chance to compete at the state conference. The state conference featured competitive events designed to demonstrate the employability skills learned through the JAG competencies and through employer and community connections. More than one hundred schools participated in the Regional Career Development Conferences with over five hundred JAG students attending. Each workforce region recruited judges from business and community leaders for the conference. At the state conference, one hundred and twenty-five students competed with thirty-six students receiving awards totaling \$25,000 towards post-secondary education or training.

### **Young Hoosiers Conservation Corps**

In May 2009, DWD launched a Summer Youth Employment Program called Young Hoosiers Conservation Corps (YHCC) to provide summer employment opportunities to low income youth.

In 2011, DWD modified the YHCC program to focus on providing construction related work experiences to young adults. DWD partnered with the Indiana Department of Transportation (INDOT), Department of Natural Resources (DNR), and the Indiana National Guard (ING) to provide the worksites and supervision.

Youth worked May-October and were paid \$8.50 to \$11.25 per hour. The paid work experiences taught valuable construction skills and prepared the participants for the workforce. Participants attended orientation and safety training sessions as well as WorkOne workshops. YHCC emphasized transition of participants into full-time employment, post-secondary education, and WorkOne services.

Over a three-year period ending in late 2011, YHCC provided 4,269 youth the opportunity to earn a paycheck, gain valuable work experience, and learn new skills.

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## **ELEMENT 5:**

### ***COMPLIANCE WITH SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED AND 29 CFR PART 37 (29 CFR 37.54(d)(2)(v))***

*Indiana addresses how it and its recipients are complying and will continue to comply with the requirements of the disability related requirements of WIA section 188; Section 504 of the Rehabilitation Act of 1973, as amended; and their implementing regulations, including but not limited to 29 CFR 37.7, 37.8, and 37.9 and Subparts B and C of 29 CFR Part 32.*

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Indiana's objective is to provide equitable services to persons with disabilities and to ensure that all WorkOne offices are compliant with the Rehabilitation Act of 1973, Section 504, as well as the Americans with Disabilities Act of 1990 (ADA), as amended. Recipients were instructed of the requirements through DWD Policy 2007-30 "Ensuring Nondiscrimination and Equal Opportunity to Persons with Disabilities Participating in Programs and Activities in the WorkOne Delivery System."

#### **Disability Grants**

##### **Disability Program Navigator (DPN) Grant**

Through the DPN grant, WorkOne Centers hired dedicated staff charged with improving both the availability and quality of services to people with disabilities. DPN allowed regions to enhance the physical, programmatic, and communications accessibility of the workforce development system. Physically, more than twenty WorkOne Centers improved accessibility by adding railings, ramps, and other physical features to their centers to ensure accessibility and convenience to individuals with disabilities. In addition, many WorkOne offices throughout the state benefited from ADA Accessibility Surveys, which provided not only local level issues to be addressed, but also expanded knowledge of best practices that could be implemented.

Programmatically, DPN staff connected resources and offered referrals to other community resources. Regions launched integrated resource teams and disability-awareness initiatives to start conversations, which led to increased employment opportunities and enhanced quality of life and success of individuals with disabilities. Overall, DPN raised the level of understanding of disability-related issues at WorkOne centers, which created an environment that welcomes and serves all customers. Many DPN staff transitioned to other positions after the end of the grant period, but several continue to share information and resources with their colleagues. The DPN grant ended in 2009.

##### **Indiana's Disability Employment Initiative Grant**

In October 2012, Indiana implemented the Indiana Disability Employment Initiative (IN-DEI) grant, which focuses on increasing the educational, training and employment opportunities for adults with disabilities, ages 18-64, who are unemployed, underemployed, and/or receiving Social Security benefits (SSI/SSDI). IN-DEI will serve adult Hoosiers with disabilities, be it physical, developmental, psychiatric or other non-visible disabilities, in particular persons who have an un-redeemed Ticket to Work, Disabled Veterans or eligible spouses, and persons with disabilities who have additional barriers to education, training or employment success. Outreach efforts will target persons with disabilities who lack a high school equivalency, are basic skills deficient, have a criminal record, are homeless and/or receive TANF benefits. The grant will end September 30, 2015.

## **Architectural Accessibility and Collaboration with Community Partners**

### **Indiana Protection and Advocacy Services:**

In 2010, DWD collaborated with the Indiana Protection and Advocacy Services (IPAS) to conduct the ADA Self-Evaluation Surveys. DWD and IPAS selected twenty WorkOne offices to conduct an ADA survey. Of the twenty sites, ten were full service and ten were express. The purpose of the survey was to identify any accessibility problems with the existing sites to ensure that each WorkOne office is meeting the requirements under ADA, as well as plan how to make existing sites more accessible for people with disabilities.

The advocates from IPAS used various tools to complete the survey. These items consisted of a tape measure, a device for measuring inclines, and a plunger specifically designed to measure the force required to open a door. The checklist used was the “Americans with Disabilities Act Checklist for Readily Achievable Barrier Removal.” Some of the various items surveyed for compliance were the WorkOne parking lots, restrooms, conference/class rooms, and the entrance accessibility.

The Local-level EO Officers attended their respective region’s survey in conjunction with the assigned IPAS advocate and Disability Program Navigator (DPN). The State-level EO Officer attended twelve of the twenty surveys across the State of Indiana.

After the completion of the surveys, the Local-level EO Officers were responsible for comprising an accessibility report which summarized the results of their ADA survey. Each report included items that were found to be noncompliant and explained the plans to make modifications and bring their WorkOne office up to code. The accessibility reports for the twenty WorkOne offices were submitted to the State-level EO Officer and will serve as a reference for when the ADA follow-up surveys are conducted. This will help to ensure that the necessary modifications were completed.

In 2012, the IPAS advocates conducted follow-up ADA visits at the Kokomo, Peru, Richmond, Terre Haute, Clinton, Nashville, and Bloomington WorkOne offices to identify corrective measures that were taken after the 2010 ADA surveys. The lead advocate provided a summary report to the State-level EO officer listing the findings of the advocates. The State-level and Local-level EO Officers will continue to monitor WorkOne offices to ensure on-going compliance.<sup>15</sup>

### **Easter Seals Crossroads: Assistive Technology Assessments**

In August 2014, Easter Seals Crossroads conducted Assistive Technology assessments within IN-DEI pilot regions to identify the equipment and software utilized as well as interview staff to identify consumer and training needs. Easter Seals Crossroads will provide their findings and recommend equipment/software that needs to be purchased, based on consumer need. Once the necessary equipment is purchased, Easter Seals will develop desktop manuals for the disability stations; provide training to staff members on the utilization of the equipment; and assist with sustainability efforts to ensure the equipment continues to be utilized after IN-DEI ends in September 2015.

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<sup>15</sup> The documentation section contains communication e-mails from the State-Level EO Officer to the Local-level EO officers regarding the ADA surveys; a copy of Region 8’s 2010 ADA checklist and the findings from the Advocate; an e-mail from the Lead Advocate listing the findings from the 2012 follow-up ADA surveys; and a list of dates, locations, and corrective measures that still need to occur.

### **Programmatic Accessibility**

DWD Oversight and the State and Local-level EO Officers conduct monitoring for the twelve regions. Desk reviews shall be conducted on a yearly basis to ensure recipients are complying with the nondiscrimination and equal opportunity provisions of Section 188 and 29 CFR Part 37. The desk reviews will generate reports to identify compliance issues, areas where onsite monitoring needs to be conducted, or training needs to be provided.<sup>16</sup> When needed, corrective action is requested to resolve any issues and in some instances, follow-up reviews are made to assure corrective actions have been implemented.

DWD Oversight monitors conduct “Programmatic Monitoring” to ensure grantees’ adherence to the State of Indiana DWD and Federal DOL policies and regulations. DWD Oversight monitors ensure that the mandatory documentation is contained within physical files as well as online in the State’s Case Management System (TrackOne).

As part of the review process, DWD Oversight monitors complete a “File Review Sheet” and verify that each of the files contains a Grievance Policy and EO Policy signed by the client, or when required, a guardian. The guidelines for these policies are found in DWD Policies:

- 2012-04 “Nondiscrimination and EO Requirements of WIA.”
- 2012-05 “WIA Equal Opportunity Policy.”
- 2007-10 “Grievance/Complaint Procedures Policy.”

The Fiscal and Administrative monitors within DWD Oversight review the EO and Directorate of Civil Rights (DCR) language contained within the service provider contracts. When the monitors identify On-the-Job (OJT) training contracts, the fiscal monitor reviews those payments and looks for the EO language. Fiscal monitors also review Memorandums of Understandings (MOUs) to identify the appropriate language.

### **Job Qualifications**

Per DWD Policy 2007-30 “Ensuring Nondiscrimination and Equal Opportunity to Persons with Disabilities Participating in Programs and Activities in the WorkOne Delivery System,” in order to ensure that job qualifications do not use qualification standards that screen out an individual with a disability on the basis of that disability, recipients are required to have a schedule for the review of all job qualifications. Additionally, employment and employment-related training selection criteria must also be reviewed. The only exception would be under the circumstance that the criteria can be shown to be necessary for the training. Assigned WorkOne staff regularly review job postings on ICC to ensure postings do not contain discriminatory language or language that would screen out an individual with a disability on the basis of that disability.

### **Indiana Career Connect (ICC)**

The Division of Disabilities and Rehabilitative Services (DDRS) and DWD entered into a Memorandum of Understanding (MOU) to better streamline job matching efforts for individuals with disabilities. Employers with disability hiring initiatives post job opportunities on ICC<sup>17</sup> and can utilize the search engine to identify qualified individuals. The postings will be “flagged” and individuals with disabilities can use the search engine to locate companies with disability hiring initiatives. ICC also provides informational resources for people with disabilities regarding employment, health, and financial resources at [www.indianacareerconnect.com/vosnet/Services/Disability.aspx](http://www.indianacareerconnect.com/vosnet/Services/Disability.aspx)

<sup>16</sup> Element 7’s documentation section includes a copy of the monitoring instrument as well as a list of the requested preliminary data.

<sup>17</sup> ICC provides the WIA EO tagline: “An equal opportunity employer/program” and “auxiliary aids and services are available upon request to individuals with disabilities” and lists a TTY number.

### **Preemployment Medical Exams or Inquiries**

Pursuant to DWD Policy 2007-30 “Ensuring Nondiscrimination and Equal Opportunity to Persons with Disabilities Participating in Programs and Activities in the WorkOne Delivery System,” recipients are notified that they may not conduct preemployment medical examinations or question an applicant for employment or training as to whether the applicant has a disability or the severity of the disability. However, a recipient may make a preemployment inquiry of an applicant's ability to perform job-related functions.

### **Confidentiality of Information**

Medical condition information is kept in a secured location and kept apart from other files.

### **Participant Integration**

As stated in DWD Policy 2007-30 “Ensuring Nondiscrimination and Equal Opportunity to Persons with Disabilities Participating in Programs and Activities in the WorkOne Delivery System,” recipients must administer programs and activities in the most integrated setting appropriate, and possible, for qualified individuals with disabilities. Pursuant to this DWD policy, individuals with disabilities may not be segregated or provided with separate aid, benefits, services, or training, as a result of their disability.

### **Communication**

- Vocational Rehabilitation Services (VRS) and all local Workforce Investment Boards (WIBs) have established Memoranda of Understanding (MOU) to list VRS as a mandatory WorkOne partner.
- Enhancement of services to persons with disabilities continues in those locations where VRS are housed in the same buildings with WorkOne Centers. Indiana has a statewide referral system between programs such as VRS, rehabilitation facilities, and educational institutions. These various organizations provide services to persons with disabilities and network with community, regional, and national organizations to ensure that this group of citizens is considered for potential employment or training as appropriate.
- WorkOne Centers contain print, visual, and audio materials in multiple mediums to include Zoom Text software, large key caps, and other accommodations for individuals with disabilities. Additionally, some WorkOne offices have a full accessibility workstation. These workstations may include a larger computer screen, Braille keyboards, and keyboards with large text letters. WorkOne partners have included assurances in their MOUs to ensure that accessibility and reasonable accommodations for individuals with disabilities will be met. Periodic EO monitoring will occur to ensure compliance with this requirement.
- DWD Policy 2011-02 “Telephonic and Face-to-Face Interpreter Services” informs Indiana’s Workforce Investment System of the availability of interpreter services for the WorkOne offices and other DWD offices. The face-to-face provides interpreter services for American Sign Language.
- TDD/TTYs and 1-800 relay services are available in local offices to help ensure communication to all customers, including individuals with disabilities.



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## **ELEMENT 6:**

### ***DATA AND INFORMATION COLLECTION AND MAINTENANCE (29 CFR 37.54(d)(1)(iv) and (vi))***

*Indiana addresses how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.37 through 37.41 related to data and information collection and maintenance.*

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As stated in DWD Policy 2012-04 “Nondiscrimination and EO Requirements of WIA,” recipients must collect and maintain records on applicants, registrants, eligible applicants/registrants, participants, those terminated, employees, and applicants for employment to determine whether the nondiscrimination and EO provisions of WIA are being met.

Through DWD Policy 2012-04, WIA grant recipients are notified that the following information must be recorded: race/ethnicity, sex, age, and where known, disability status of the specified groups. The records must be stored in a manner that ensures confidentiality and used only for purposes of recordkeeping and reporting, determining eligibility for WIA Title I-funded programs or activities or other uses authorized by law.

#### **Systems**

- **Indiana Career Connect:** Indiana’s job-matching system may be accessed online or at terminals in WorkOne offices. The web-based system is utilized by both employers and job seekers. Employers may post job openings and find candidates. Job seekers can register for work, find job openings, and use other services available on the website such as creating a resume.
- **Uplink:** Uplink Claimant Self Service is accessible online and in WorkOne offices. Uplink is the portal for filing an Unemployment Insurance claim.
- **TrackOne:** The State of Indiana case management system collects and reports data for the programs administered by DWD. TrackOne receives data from ICC and collects data for applicants and participants receiving core, intensive, and supportive services under WIA Title I.

The State-level EO Officer is able to retrieve and cross-reference Job Service and Unemployment Insurance (UI) data and demographic information from TrackOne. DWD’s Field Systems provides WIA, Job Service, and Unemployment Insurance data to the State-level EO Officer on an annual basis for review. The data is provided on a statewide and regional level.<sup>18</sup>

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<sup>18</sup> DWD Policy 2007-37 “Entities Required to Use the Indiana Department of Workforce Development’s Electronic Case Management and Labor Exchange (Job Matching) Systems” is provided in the documentation section.

## Resources

- ***Hoosiers by the Numbers***

Demographic information is collected at Hoosiers by the Numbers, which provides a demographic breakdown by Workforce Service Area and counties, and is located at <http://www.hoosierdata.in.gov/>.<sup>19</sup>

## Retention of Information

- **Records:** Recipients are informed of requirements for data collection through DWD Policy 2012-04, “Nondiscrimination and EO Requirements of WIA.” Records, particularly those containing medical condition information, are secured, kept separate from other information, and kept confidential. All data collected by DWD is retained for a period of three years from the date of application, and for complaints, three years after resolution of the complaint.
- **Logs:** The state and local-level Workforce Service Areas use the ‘Customer Service Record (State Form 46001)’ to log complaints filed that allege discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation, belief, citizenship and/or participation in a WIA Title I financially assisted program or activity.

The Local-level EO Officers submit the ‘Customer Service Record’ on a quarterly basis (April 5, July 5, October 5, and January 5) to the State-level EO Officer. The log is accessible online at <http://www.in.gov/dwd/files/SF46001.xls>.

## Enforcement Actions

Per DWD Policy 2012-04 “Nondiscrimination and EO Requirements of WIA,” WIA grant applicants and recipients must notify the State EO Officer of any administrative enforcement actions or lawsuits filed regarding discrimination. Additionally, the Director of CRC will be notified of any administrative enforcement actions and lawsuits brought against them that allege discrimination on one or more of the bases prohibited by WIA Section 188.

## Job Orders

In addition to analyzing data for disparities, the State-level EO Officer reviews job orders for language that may have a disparate impact on members of a protected class.

- ***Training and Employment Guidance Letter: Exclusions Based on Criminal Records***  
US DOL released Training and Employment Guidance Letter No. 31-11, which provides information about exclusions based on criminal records as they apply to the public workforce system and other entities that receive federal financial assistance to operate Job Banks, and how such restrictions may have a disparate impact on members of a particular race or national origin, in violation of federal antidiscrimination laws. The TEGl contains three notices that, depending upon the circumstances, shall be provided to the employer:
- **Notice #1:** Upon creating a job posting, employers are notified of their right to comply with federal civil rights laws as well as their obligations under the Fair Credit Reporting Act.
- **Notice #2:** If language is identified in the posting that excludes individuals based on arrest and/or conviction history, employers are notified and provided with an opportunity to remove or edit the vacancy announcement.

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<sup>19</sup> The TrackOne Program Application/Enrollment form is provided in the documentation section, as well as sample reports containing demographic information.



- **Notice #3:** If an employer declines to edit or remove a posting containing language that excludes individuals based on arrest and/or conviction history, the posting must be accompanied by Notice #3. The notice explains to applicants that the exclusions in the posting may have an adverse impact on protected groups, as set forth in EEOC guidance, and states that individuals with criminal history records are not prohibited from applying for the position.

**Statewide Review – Job Postings**

The State-level EO Officer periodically reviews job orders from the “Widget,” which lists three new jobs daily from ICC. The three jobs provide a range of education requirements, i.e. a high school diploma or equivalent, associate’s degree, bachelor’s degree, or a master’s degree. The State-level EO Officer reviews the postings to identify language that includes exclusions based on criminal records. The widget is located on DWD’s website at <http://www.in.gov/dwd>.

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## **ELEMENT 7:**

### ***MONITOR RECIPIENTS FOR COMPLIANCE (29 CFR 37.54(d)(2)(ii))***

*Indiana addresses how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.54(d)(1)(iii). The State is required to establish procedures to monitor periodically all aspects of the recipient's compliance with WIA section 188 and 29 CFR Part 37.*

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DWD has established and published procedures for the periodic monitoring of programs and activities operated under WIA Title I in DWD Policy 2012-04 "Nondiscrimination and EO Requirements of WIA." The purpose of the policy is to communicate the nondiscrimination and equal opportunity requirements to entities receiving WIA funding.

The coordinated efforts of the State and Local-level EO Officer and the DWD Oversight Monitoring Unit ensure monitoring and compliance of the Workforce Service Areas.

#### **Monitoring: Data Analysis, Risk Assessment, Desk Review, and Onsite Monitoring**

Each of the twelve regions will be reviewed for compliance with the nondiscrimination and EO requirements of Section 188 of WIA and 29 CFR Part 37 through a combination of data analysis, desk review, and onsite monitoring. If the analysis of data reveals disparities in services rendered, the State and/or Local-level EO Officer will conduct a follow-up investigation to determine if the differences are due to discrimination. This will be done through a variety of techniques such as interviews and records review.<sup>20</sup>

A recipient shall receive a review based upon any of the following:

- The review and analysis of data output reports from the TrackOne System and the Hoosiers by the Numbers Research and Analysis website;
- Complaint records<sup>21</sup>;
- Reports from DWD Oversight Program Monitors or other interested parties; or
- Demographics and geography.

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<sup>20</sup> Documentation section includes the following Fiscal Monitoring Guide; Contract Review; Monitoring schedule; Sample announcement of visit memo and requested documentation; and Internal Control Matrix.

<sup>21</sup> Complaint records are tracked by the region's Customer Service Record (CSR) which is submitted quarterly by the Local-level EO Officers to the State-level EO Officer. The State-level EO Officer will review the complaints and when requested, will submit a compilation "Discrimination Complaint Log" to DOL/CRC. This submission captures data from the previous fiscal year (October 1 to September 30).

### **Data Analysis: 80-20 Rule**

DWD's Field Systems provides statewide and regional level data to the State-level EO Officer on an annual basis. The data represents Adults, Dislocated Workers, and Youth, and provides a breakout of the following categories:

- Applicants; Eligible
- Applicants;
- Participants;
- Positive and Negative Exits;
- Information/Self-Core Services;
- Staff-Assisted/Intensive Services;
- Enrolled in Training (Actual Start Date); and
- Completed Training.

When data is received, the State-level EO Officer shall conduct the 80-20% rule to identify disparities. If disparities are located, the State-level EO Officer will conduct a follow-up investigation to determine if the differences are due to discrimination. This will be done through a variety of techniques, such as interviews and records review.<sup>22</sup>

### **Desk Review**

Each of the twelve regions will receive yearly desk reviews, which consist of completing a monitoring tool and submitting preliminary data<sup>23</sup>. The State-level EO Officer and/or Local-level EO Officers will review the information to identify areas that require training or regions that need to receive onsite monitoring for further investigation. The monitoring instrument is modeled after the nine elements of the WIA MOA.

- Element 1: Equal Opportunity Officers (37.23-37.28);
- Element 2: Notice and Communication (37.29-37.36);
- Element 3: Assurance, Contracts, Job Training Plans (37.20-37.22);
- Element 4: Universal Access (37.42);
- Element 5: Data Collection and Record Keeping (37.37);
- Element 6: Section 504 and the Rehabilitation Act;
- Element 7: Data and Information Collection and Maintenance (37.37-37.41);
- Element 8: Complaint Processing Procedures (37.70-37.80); and
- Element 9: Corrective Actions and Sanctions (37.54(d)(2)(vii)).<sup>24</sup>

### **Risk Assessment**

Starting in the summer of 2014, a 'Risk Assessment' tool will be utilized to identify if a region has a potential risk for findings during monitoring. State program staff are tasked with responding to various questions – a 'Yes' response indicates risk and informs the Monitoring unit to more closely investigate a region to determine compliance.<sup>25</sup>

<sup>22</sup> A sample of the data and the 80-20% calculation is included in the documentation section.

<sup>23</sup> Examples of preliminary data included a job description and organization chart for the Local-level EO Officer; copies of brochures, handbooks, and posters that contain the Local-level EO Officer's contact information; samples of documents that contain the WIA EO tagline, copies of assurance pages of plans, contracts, and other agreements; and copies of policies and procedures that contain the nondiscrimination and equal opportunity provisions of WIA.

<sup>24</sup> A copy of the monitoring tool is provided in the documentation section.

<sup>25</sup> A copy of the Risk Assessment tool is provided in the documentation section.

### **Onsite Reviews**

The State and Local-Level EO Officers will conduct periodic onsite reviews to ensure that the equal opportunity and nondiscrimination provisions of Section 188 and 29 CFR Part 37 are met. Onsite structural accessibility, parking for individuals with disabilities, designated restrooms, appropriate signage, program accessibility and effective communication with persons with disabilities are some of the elements monitored. Onsite reviews will also consist of interviews and records review. Training was provided to the Local-level EO officers on July 8, 2010 regarding monitoring.<sup>26</sup>

In addition, DWD Oversight monitors continue to include elements of the EO review in their annual on-site monitoring.<sup>27</sup> These elements include the following:

- A review of EO Policies.
- EO Notice Requirements.
- Complaint Procedures.
- A review of Contracts, Training Agreements, and Memorandums of Understanding for required verbiage.
- A review of facilities, including, but not limited to, structural accessibility, parking, restrooms, and assistive technology equipment.

### **Findings from Monitoring**

A post-review report will be issued by the State or Local-level EO Officer to the recipient within thirty days of the exit conference. This report will recognize positive performance and practices where they exist, set forth issues that must be resolved, describe findings of noncompliance in a concise and specific manner, and state specific corrective action to be required, including deadlines for completion.

Corrective actions are defined as those activities undertaken by the recipient in response to EO deficiencies discovered by the EO Officer. EO deficiencies can be placed in two different categories. Technical deficiencies are deficiencies that do not involve discrimination and the others are deficiencies involving discrimination. DWD Policy 2002-34 “Sanctions Policy” provides guidance to the Workforce Investment System regarding implementation of sanctions.

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<sup>26</sup> Copies of the PowerPoint slides (relevant pages) are included in the documentation section.

<sup>27</sup> Documentation section includes the 2014-2015 Monitoring Schedule; a sample e-mail announcing a monitoring visit; a checklist for documents that are requested and received prior to the monitoring visit; an Internal Control Matrix; Fiscal Monitoring Guide; and a Contract Review checklist.

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## **ELEMENT 8:**

### **COMPLAINT PROCESSING PROCEDURES (29 CFR 37.54(d)(1)(v))**

*Indiana addresses how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.76 through 37.79 regarding complaint processing procedures.*

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DWD Policy 2007-10 “Grievance/Complaint Procedures Policy” ensures that Indiana WorkOne full service centers and express sites implement procedures that are in compliance with guidelines provided by USDOL regarding the nondiscrimination and equal opportunity provisions of WIA.

The DWD Grievance Policy integrates grievance and complaint processes for the WorkOne programs funded through DWD, inclusive of the Complaint Processing Procedures requirements of 29 CFR 37.76 through 37.79.

Each of the twelve regions are responsible for ensuring complaint processing procedures are made available and followed. The regions provide the name, title, telephone number, and TDD/TTY number of the local-level EO Officer who is the first responder to a complaint.

#### **Initial Review**

Applicants, registrants, eligible applicants/registrants, participants, employees and applicants for employment are notified of their right to the complaint process by way of posters and notices in the WorkOne offices with the prescribed language from 29 CFR 37.30. The “Equal Opportunity is the Law” notice communicates that any person who believes that s/he, or any specific class of individuals, has been or is being subjected to discrimination prohibited by WIA, may file a written complaint within 180 days of the alleged discrimination.

Recipients use State Form 45153 “Record of Complaint Information” for complaint processing. All complaint forms are inclusive of the information required for filing a complaint of discrimination under 29 CFR 37.73. The “Record of Complaint Information” form must contain the complainant’s name and address, the identity of the respondent, and a description of the complainant’s allegations. The complainant or the complainant’s authorized representative must sign the “Record of Complaint Information” form.

#### **Notice of Receipt**

Pursuant to DWD Policy 2007-10 “Grievance/Complaint Procedures Policy,” the recipient must provide for initial written notice to the complainant acknowledging that the recipient has received the complaint. Additionally, the recipient must inform the complainant that they have the right to representation. The notice of receipt should provide a written statement to the complainant containing the issues raised in the complaint and for each issue, a statement whether the recipient will accept the issue for investigation or reject the issue. The written notice must include the reason for rejection.

### **Notice of Lack of Jurisdiction**

If the recipient does not have jurisdiction of the complaint, or if the complainant did not file a written complaint within 180 days, a written “Notice of Lack of Jurisdiction,” including the reason for the determination will be sent to the complainant. Also, a notice of the complainant’s right to file with the U.S. Department of Labor Civil Rights Center (DOL/CRC) within 30 days of the complainant’s receipt of notice will be provided.

### **Alternative Dispute Resolution**

The DWD Grievance Policy provides the complainant with the option to choose the Alternative Dispute Resolution (ADR) process or for the local-level to do an investigation of the complaint. The decision to elect ADR or for the local-level to do an investigation solely rests with the complainant. Should an agreement reached under ADR be breached, the non-breaching party may file directly with DOL/CRC within 30 days of the date on which the non-breaching party learns of the alleged breach. If the parties are unable to reach an agreement through ADR, the complainant may file directly with DOL/CRC.

### **Period for Fact-finding**

All local-level regions have local autonomy for processing complaints of discrimination within a 90 day period. The 90 days allows for a period of fact-finding or investigation of the circumstances underlying the complaint. The remaining time permitted under the regulatory 90 day requirement allows DWD’s State-level EO Officer an adequate period for review should the complainant be dissatisfied with the local decision.

### **Notice of Final Action**

The local-level EO Officers must submit a “Notice of Final Action” to the complainant within 60 days of the date on which the complaint was filed. The Notice of Final Action informs the complainant of the ruling for the issue(s) raised in the initial complaint and an explanation of each decision, or a description of the way the parties resolved the issue. The notice also advises the complainant of the person’s right to appeal the local-level decision. The Notice of Final Action informs the complainant that they can appeal to the state level within five days of receipt of the local decision. The State EO Officer issues a written final decision within the remaining 30 days. The State-level EO Officer advises the complainant of their right to file with the DOL/CRC within 30 days of receipt of the State’s written Notice of Final Action if dissatisfied with the decision.

The DWD Grievance Policy notifies the recipient that should she/he fail to provide the complainant with a Notice of Final Action, the complainant may file a complaint with DOL/CRC within 30 days of the expiration of the 90-day period. To summarize, the complainant would need to file with DOL/CRC within 120 days of the date on which the complaint was filed with the recipient.

### **Record Maintenance**

All complaint records, including logs, are retained for 3 years after resolution of the complaint. Recipients are advised to notify the State-level EO Officer of any administrative enforcement actions and lawsuits brought against them that allege discrimination on one or more of the bases prohibited by WIA Section 188.

State Form 46001, the “Customer Service Record” lists complaints received by each region and is submitted to the State-level EO officer on a quarterly basis. The record includes the name and address of the complainant; the basis for the complaint; a description of the complaint; the date the complaint was filed; the disposition and date of disposition of the complaint; and other pertinent information. The log is accessible online at <http://www.in.gov/dwd/files/SF46001.xls>.

**Complaints Not Based on Discrimination**

When a complaint is not based on discrimination but on program or customer service issues, the complaint is processed in accordance with local policies and procedures as described in DWD Policy 2007-10 “Grievance/Complaint Procedures Policy.”

**Migrant Seasonal Farm Workers**

The State Monitor Advocate (SMA) receives information regarding complaints in an aggregate form and uses the Services to Migrant and Seasonal Farmworkers Report, Employment and Training Administration Form 5148, on a quarterly basis for submission to USDOL.

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## **ELEMENT 9:**

### ***CORRECTIVE ACTIONS/SANCTIONS***

#### ***29 CFR 37.54(d)(2)(vii)***

*Indiana addresses how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.54(d)(2)(vii).*

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DWD Policy 2002-34 “Sanctions Policy” provides the State’s approach and guidance concerning those instances when sanctions and corrective actions may need to be implemented.

DWD intends to be fully supportive of the local delivery systems. Toward that end, sanctions will be considered as a last resort. Technical assistance, clarification, and reasonable corrective action opportunities will be offered first. There may be instances where technical assistance would not be appropriate and where progressive action may begin without technical assistance. There may also be instances where a violation has not yet occurred, but the grantee will be notified of the potential problem so that corrective action may be taken on the recipient’s own volition.

In the rare case that a sanction or corrective action is called for, the notification of a sanction shall be received by the parties involved at least ten working days before the scheduled imposition of sanctions, as evidenced by certified mail. The letter will restate the violation, the corrective action needed, and the appeal process. If satisfactory evidence of the needed corrective action set in place is presented to DWD within this ten working day period, DWD may postpone the implementation of the sanction. The sanction can be postponed until the completion of the corrective action within the DWD approved timelines. In this case, the implementation of the sanctions may be lifted. However, if the state deadline is reached without completion of the action, the sanction will be imposed.